

**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Tuesday, November 24, 2009 3:30 P.M.  
City Council Chambers  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF NOVEMBER 5, 2009 ZONING COMMITTEE MINUTES**

**SITE PLAN REVIEW** – List of current applications (Tom Beach, 651-266-9086)

**NEW BUSINESS**

- 1      09-302-275 Premier Investments LLC**  
Re-establishment of legal nonconforming use as a duplex  
400 Charles Ave, between Western and Arundel  
R4  
Sarah Zorn    651-266-6570
  
- 2      08-083-992 Laurel Apts Parking Lot #2**  
Public hearing to consider revocation or modification of parking lot site plan approved  
June 11, 2008, for failure to meet conditions of approval  
2057 Laurel Ave  
RT1  
Tom Beach    651-266-9086

**ADJOURNMENT**

**ZONING COMMITTEE MEMBERS:** Call Allan Torstenson at 266-6579 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have.



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101

Telephone: 651-266-9090  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

## SITE PLAN REVIEW COMMITTEE TUESDAY, Nov 24, 2009

### No Site Plan Review

**2nd Floor Conference Room  
375 Jackson Street, Suite 218**

Time   Project Name and Location

To Applicants:

**You should plan to attend this meeting.**

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff.

The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

**DSI is in a new location**

We are in our new offices at 375 Jackson Street, Suite 220. The Site Plan meetings will be held in the second floor conference room 218.

**Parking**

Parking is available at on-street meters. Some off-street parking spaces are available in our visitor parking lot off of 6<sup>th</sup> Street at Jackson. To see a map of additional nearby parking ramps go to <http://www.ci.stpaul.mn.us/depts/dsi/liep/info/location.html>

If you have any questions, please call Mary Montgomery at 651-266-9088.

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Premier Investments LLC **FILE #09-302-275**
  2. **APPLICANT:** Premier Investments LLC **HEARING DATE:** November 24, 2009
  3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Reestablishment
  4. **LOCATION:** 400 Charles Ave, between Western and Arundel
  5. **PIN & LEGAL DESCRIPTION:** 362923240055; SMITHS SUBD OF BLKS 9 10 15 AND 16 LOT 56 BLK 16
  6. **PLANNING DISTRICT:** 7
  7. **ZONING CODE REFERENCE:** §62.109(d) **PRESENT ZONING:** R4
  8. **STAFF REPORT DATE:** November 16, 2009 **BY:** Sarah Zorn
  9. **DATE RECEIVED:** November 10, 2009 **60-DAY DEADLINE FOR ACTION:** January 9, 2010
- 

- A. **PURPOSE:** Re-establishment of legal nonconforming use as a duplex
- B. **PARCEL SIZE:** 40 ft. (Charles) x 125 ft. = 5,000 sq. ft. Including one half the alley results in a total lot area for density purposes of 5,260 sq. ft.
- C. **EXISTING LAND USE:** R-Duplex
- D. **SURROUNDING LAND USE:**
  - North: Single and multifamily residential (R4)
  - East: Single and multifamily residential (R4)
  - South: Single and multifamily residential (R4)
  - West: Single and multifamily residential (R4)
- E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. **HISTORY/DISCUSSION:** There is no zoning history specific to this property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 7 Council had not commented at the time this report was prepared.
- H. **FINDINGS:**
  1. On November 9, 2006, the property was placed on the vacant building list as a Category 2 building. Because the property has been listed as vacant for more than one year, the applicant is required to re-establish the nonconforming duplex use.
  2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
    - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This condition is met. According to the applicant the structure is divided into two separate dwelling units. If the applicant were required to combine the two units, significant costs would be incurred.
    - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This condition is met. The proposed use as a duplex is equally appropriate as the previous duplex use. City records indicate that the property was registered as a two-unit rental property in 2004. However, Polk Directories suggest that the property has been used as a duplex as far back as 1988. The Certificate of Occupancy for two units was revoked in 2007 and a number of code compliance issues identified.
    - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This condition is met. The property has been used as a duplex in the past and using it as a

duplex now will not be detrimental to the existing character of the immediate neighborhood.

(4) *The proposed use is consistent with the comprehensive plan.* This condition is met. The Housing Policy Plan supports production of rental housing (Policy 5.3) and the Land Use Plan supports a range of housing types (Objective 5.3).

(5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This condition is met. The petition was found sufficient on November 4, 2009: 21 parcels eligible; 14 parcels required; 14 parcels signed.

3. The Planning Commission has established guidelines for applications to establish legal nonconforming use status for duplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Duplex Conversion Guidelines state that for applications for nonconforming use permits for duplexes in residential districts, staff will recommend denial unless the following guidelines are met:

- A. *Lot size of at least 5,000 square feet with a lot width or front footage of 40 feet.* This guideline is met. The property is 5,000 square feet with 40 feet of street frontage along Charles.
- B. *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* This guideline is met. According to the applicant the structure is approximately 3,000 square feet.
- C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This guideline is met. There is a two car garage in the rear of the property.
- D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)* This guideline is met. According to the applicant all remodeling will take place within the structure.
- E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* This guideline is met. The applicant has been working with the Department of Safety and Inspections regarding code compliance issues.

*The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.*

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the Re-establishment of legal nonconforming use as a duplex subject to the condition that the applicant shall obtain a Certificate of Occupancy for a duplex.



**NONCONFORMING USE PERMIT APPLICATION**  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning Office Use Only  
File #: 09-321529  
Fee: 650  
Tentative Hearing Date: 11/24/09

PD = 7

362923240055

**APPLICANT**

Name Premier Investments, LLC.  
Address 18981 Euclid Path  
City Farmington St. MN Zip 55074 Daytime Phone 6124149313  
Name of Owner (if different) \_\_\_\_\_  
Contact Person (if different) Aric Berg Phone 6124149313

**PROPERTY LOCATION**

Address/Location 400 Charles Ave St. Paul MN 55103  
Legal Description Smith Sub of Stinsons Div B9 10 15 16  
Lot 56 BIK 116 Current Zoning R-4  
(attach additional sheet if necessary)

**TYPE OF PERMIT:** Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)  
☒ Re-establishment of a nonconforming use vacant for more than one year (para. e)  
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)  
☐ Enlargement of a nonconforming use (para. d)

**SUPPORTING INFORMATION:** Supply the information that is applicable to your type of permit.

Present/Past Use vacant duplex

Proposed Use Duplex

Attach additional sheets if necessary

11-10-09  
Accepted  
CK 1098  
650<sup>00</sup>

RECEIVED  
OCT 21 2009

CK 1098  
650<sup>00</sup>  
10-7-09  
pdd

CK 1098  
650<sup>00</sup>  
9-23-09  
pdd

CK 1098  
650<sup>00</sup>

Attachments as required ☐ Site Plan

☐ Consent Petition

☐ Affidavit

Applicant's Signature [Signature] Date 9-4-09 City Agent pdd 9/4/09

pdd 11-10-09

RECEIVED

NOV 10 2009

**Proposal of Property Use & Description of Project**

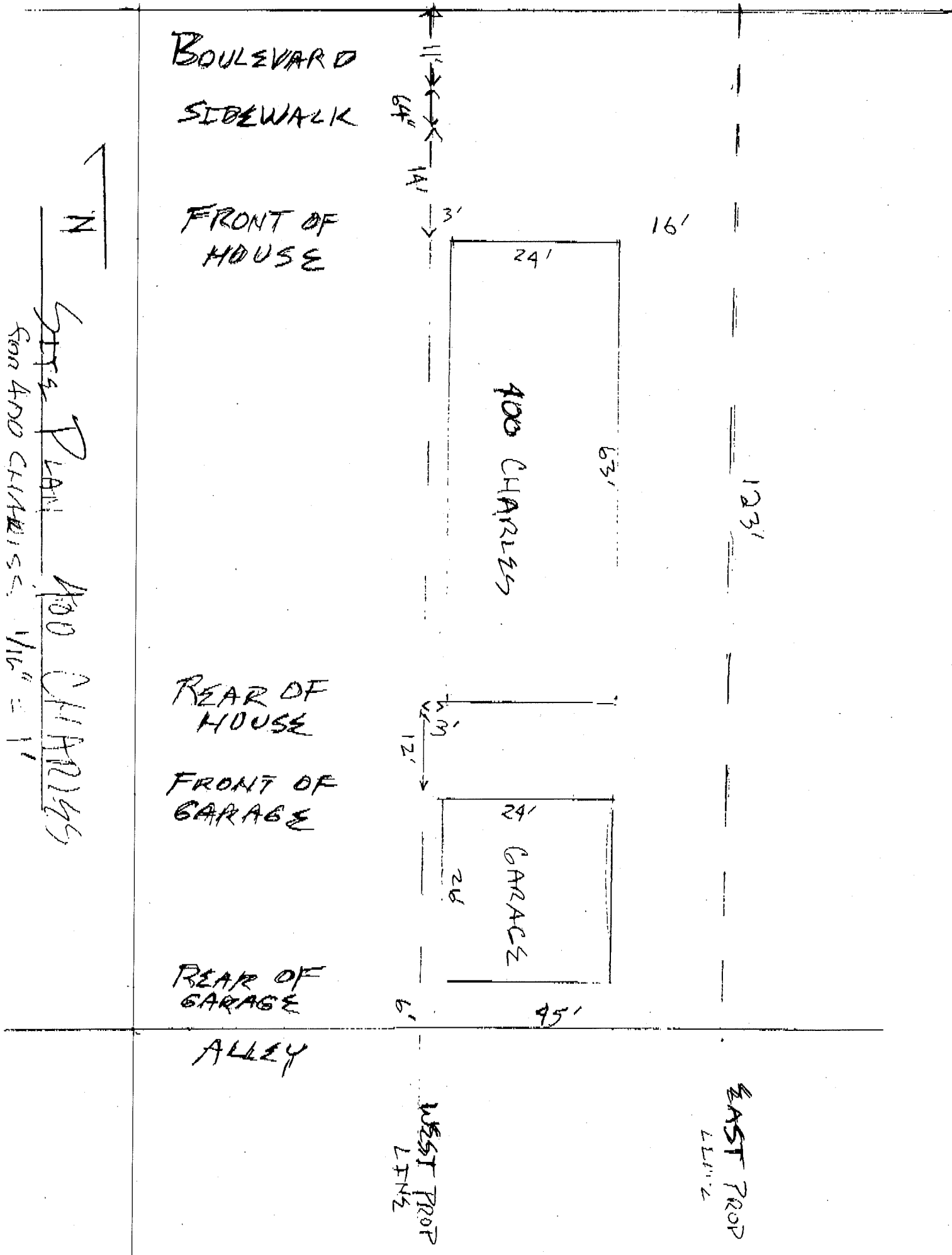
**6/26/09**

**400 Charles Ave St. Paul MN 55103**

Premier Investments, LLC. purchased 400 Charles Ave and planned to rehab and bring property repairs up to code. We had permits pulled and plan to finish and rent. We bought this property as a duplex and only bought it as a rental property with two units. Due to the loss of funding, we had to stop work and go through a period of time to work with the mortgage company on getting more funding to complete all repairs required by the city of St. Paul. In May 2009, we came to an agreement and went to pull building permit. We found property lacking its official use as a duplex. With your permission, we need to obtain the certificate of nonconforming use to use this property as a duplex. It stands as no value to us as investors to use as a single-family home. To convert this property back to a single family home after it has been fully converted to a duplex, would be very costly and cut our rental income by 50%. The de-conversion would cost around \$24,000 and would include rewiring electrical panels, heating service (removal of furnace), removal of kitchen & sinks, capping gas lines, and removal of doorways. Financially the cost involved with de-converted is more than keeping it as a duplex and will be a much longer process causing the building to be vacant even longer which isn't safe for any community. The rental income will not work to cover all expenses as a single-family home and with the economy it is easier to rent units for a reasonable price than a huge single family home with a costly rental payment. It is safer to have two renters than just one incase one defaults, there will still be income coming in. The faster we can finish this property as a duplex and rent it out, the safer it will be for the community and City of St. Paul. The property has everything it needs to continue to be used as a duplex. For example, separate meters, kitchens, bathrooms, bedrooms, and much more. With the certificate of nonconforming use, we are ready to make the repairs and pull all permits needed to complete this house and make the neighborhood a better place. We plan to work every step of the way with the city of St. Paul to help rebuild this city and community.

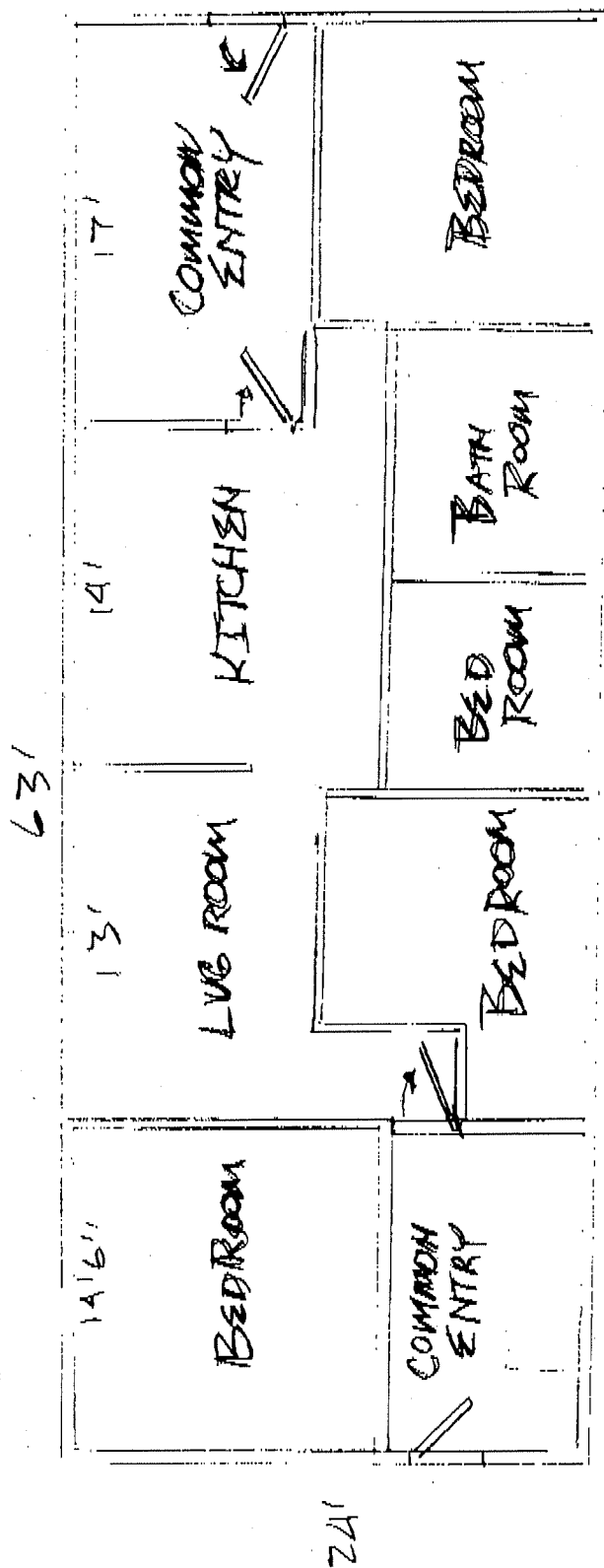
Thank-you for your time and consideration in this matter,  
Premier Investments, LLC. - Aric Berg

RECEIVED  
NOV 10 2009



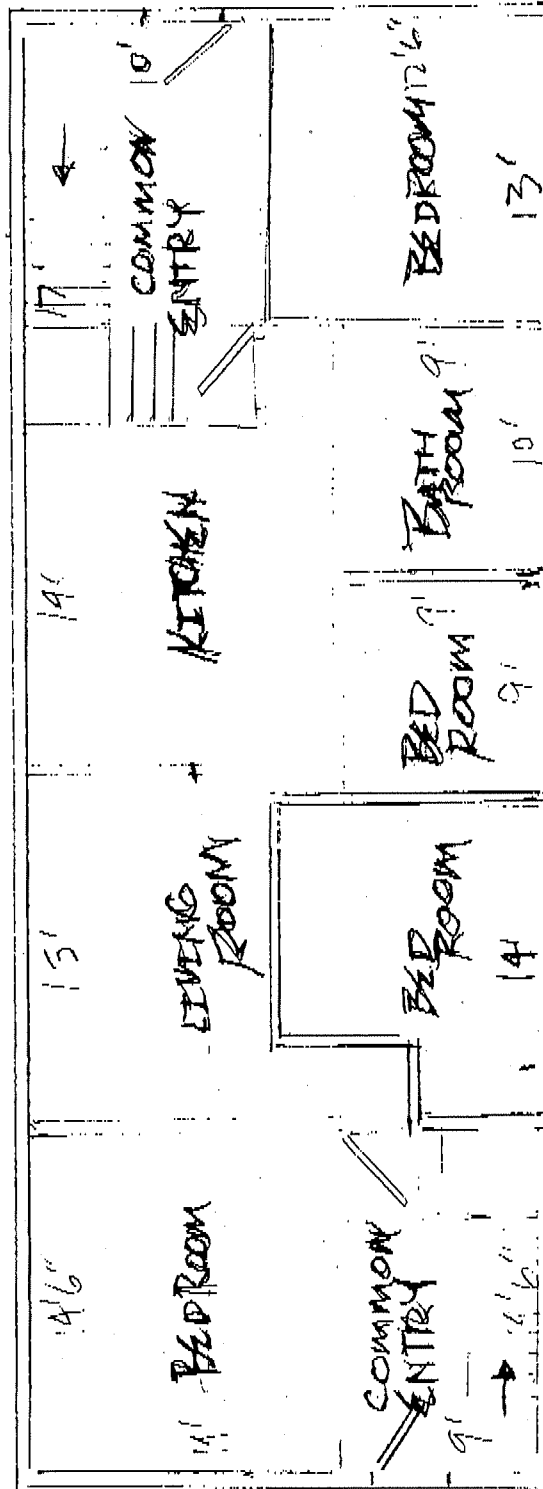
Site Plan 400 CHARLES  
FOR AND CHARLES 1/16" = 1'





FLOOR PLAN LOWER UNIT  
400 CHARLES AVE • ST PAUL  
1/8" = 1'

63'



24'

FLOOR PLAN: UPPER UNIT  
 400 CHARLES AVE  
 ST. PAUL, MN 55101

10-21-09

The first two Petitioners that I had the Nabstamx sign, I clearly stated to them that this was for a Duplex and I explained that it was vacant for 1 YR + lost its Nonconforming use permit. I told them what exactly was going to happen + to read the petition + sign in the appropriate place.

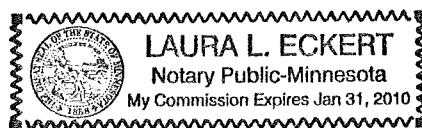
A Z

Subscribed and sworn  
to before me on  
November 9, 2009.

RECEIVED

OCT 21 2009

Laura L Eckert



# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Premier Investments, LLC.  
(name of applicant)

to establish a Duplex  
(proposed use)

located at 400 Charles Ave St. Paul MN 55103  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
529 Western	Thai Xiong	Thai Xiong	10/16/09
392 Charles	Evelyn Foster	Evelyn Foster	10-7-09
395 Charles	DAVID KROUSE	David Krouse	10-7-09
389 Charles	Ken Rhoades	Ken Rhoades	10-7-09
401 SHERBURN	Roseng Isador	Roseng Isador	10-7-09
406 Sherburne	Hashim & Hawa	Hashim & Hawa	10-7-09
393 SHERBURN	CHAU VO	Chau Vo	Oct 07 2009
415 Sherburne	Dale Wobbe	Dale Wobbe	Oct-07-2009
401 Charles	Mark	Rehgasael Se.	OCT-7-09
527 WESTERN	PHAT NGUYEN	Phat Nguyen	Oct 7-09
391 Sherburne	Winnie Crosby	Winnie Crosby	Oct 7-09
418 Charles	Jana Willet	Jana Willet	10/7/09
419 Charles	Kenneth Van	Kenneth Van	10/7/09

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

Submitted  
9-23-09

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A  
NONCONFORMING USE PERMIT

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(name of applicant)

to establish a certificate of nonconforming use  
(proposed use)

located at 400 Charles Ave St. Paul MN 55103  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
392 Charles	Evelyn Foster	Evelyn Foster	7-16-09
358 Charles	Cindy Sherman	Cindy Sherman	7-16-09
519 Charles	Tony Xiong	Tony Xiong	7-16-09
313 Sherburne	Yuen	Yuen	7-16-09
397 Sherburne	Benjamin Xiong	Benjamin Xiong	7-16-09
411 Sherburne	Boony Siam	Boony Siam	7-16-09
407 Sherburne	David Vu	David Vu	7-16-09
389 Charles	Luella Rhodes	Luella Rhodes	7-16-09
301 Sherburne	JAMES FENNER	James Fenner	7/21/09
411 Sherburne	CHRISTIE JOE	Christie Joe	7/21/09

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

RECEIVED

OCT - 1 2009

## CITY OF SAINT PAUL

# CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

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(name of applicant)

to establish a certificate of nonconforming use  
(proposed use)

located at 400 Charles Ave St. Paul MN 55103  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
523 Western Ave	Chuang	Andy	9/17/09
397 Sherburne	Seng	Lyng Xing	9/17/09
401 Sherburne	Rooney Goodie	Rooney Goodie	9/17/09
407 Sherburne	Sandra R Yang	Sandra R Yang	9/17/09
437 Sherburne	Lauren Thoms	Lauren Thoms	9/17/09
434 Charles	Tomas NGUYEN	Marcela Baltazar	9-17-09
438 Charles	Tuana Williams	Jenna Willis	9-17-09
416 Charles	Deanne Carington	Darlene Carington	9-17-09
428 CHARLES	SCOTT BROWN	Scott Brown	9/17/09
402 Charles Ave	Sonna Handson	Sonna Handson	9-17-09
389 Charles	Ken Phares	Ken Phares	9-17-09
392 Charles	Evelyn Foster	Evelyn Foster	9-17-09
388 Charles	JAVIER MUNOZ	JAVIER MUNOZ	9-17-09

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

A copy of the application of Ariz Berg  
(name of applicant)

to establish a Duplex \_\_\_\_\_  
(proposed use)

located at 400 Charles  
(address of property)

**We consent to the approval of this application as it was explained to us by the applicant or his/her representative.**

[illegible]

9/08

RECEIVED  
OCT 26 2009

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A  
NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

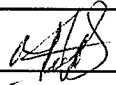
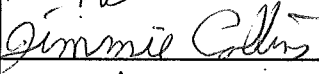

A copy of the application of Premier Investments, LLC.  
(name of applicant)

to establish a Duplex  
(proposed use)

located at 400 Charles Ave St. Paul MN 55103  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
427 Charles Ave	Magdi Saldana		10-7-09
410 Charles	Timmie Collins		10-21-9
407 Charles Ave	Yer Yang		10-21-09

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.



## CITY OF SAINT PAUL

### CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:


A copy of the application of Premier Investments, LLC.,  
(name of applicant)

to establish a Duplex,  
(proposed use)

located at 400 Charles Ave St. Paul MN 55103,  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
427 Charles Ave	Magali Saldana		10-7-09

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL  
USE PERMIT OR A NONCONFORMING USE  
PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Aric Berg, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Aric Berg  
NAME

18981 Euclid Park Farmington  
ADDRESS

612-414-9313  
TELEPHONE NUMBER

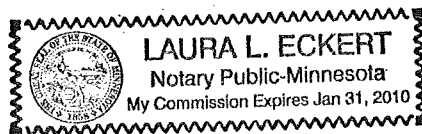
Subscribed and sworn to before me this

9 day of November, 2009

RECEIVED

NOV - 9 2009

Laura Eckert  
NOTARY PUBLIC



9

**Xcel Energy Meter Information**

**400 Charles Ave St. Paul MN 55103**

**Utility Usage - Duplex**

**Electric Meters**

**Floor #1 Meter #97212959**

**Floor #2 Meter #19270258**

**Gas Meters**

**Floor #1 Meter #407705**

**Floor #2 Meter #514233**

**PRO FORMA INFORMATION SHEET  
FOR DUPLEX AND TRIPLEX CONVERSION CASES  
Continuation of Extra Units**

Required information	With Continuation of Extra Units in Structure	With Conversion of Structure to Legal Number of Units
<u>Income</u>		
Total monthly rent income for all units	2200	1100
Monthly income from structure other than rent	0	0
Existing vacancy (if any)	100%	100%
Effective gross income (EGI) / month <sup>1</sup>	\$ 2200	\$ 1100
Effective Gross Income / year	\$ 26,400	\$ 13,200
<u>Operating Expenses (Annual) <sup>2</sup></u>	\$ 7800	\$ 7800
Maintenance	1000.00	1000
Insurance	1200	1200
Utilities (only include amount paid by landlord)	1500	1500
Other (identify)		
Taxes	4500	4500
<u>Net Operating Income (Annual) <sup>3</sup></u>	\$ 16,200	\$ 11,200
Monthly debt / mortgage payment	1000	1000
<u>Annual debt payment</u>	\$ 12,000	\$ 12,000
<u>Rehab projects</u>		
Total cost of improvements	13,000	13,000
Monthly rehab debt payment	0	0
<u>Annual rehab debt payment</u>	\$ 0	\$ 0
<u>Cash Flow: profit, (loss) <sup>4</sup></u>	\$ 6600 yr.	\$ -1000

NOTE: 1. Effective Gross Income = (Total rent income) - (Vacancy, if there is any)

2. Operating expenses are the sum of the next five lines, incl maintenance, insurance, utilities, taxes and others

3. Net Operating Income = (Effective Gross Income) - (Operating Expenses)

4. Cash Flow = (Net Operating Income) - (Annual debt payment)

## SUMMARY INFORMATION SHEET FOR DUPLEX AND TRIPLEX COVERSION CASES

Housing unit breakdown:	Existing	Proposed
Number of units	1	2
Number of bedrooms in each unit	4	4
Unit 1	4	4
Unit 2		4
Unit 3		
Size of each unit in square feet		
Unit 1	1500	3000
Unit 2	1500	
Unit 3		
Debt:		
Initial principal amount	170,000	
Initial interest rate	9%	
Term of mortgage/debt financing	20 Yr.	
Time remaining on note	19 Yrs	
Balance on existing debt	1109,995	
Rehabilitation		
Type of improvements:		
<p>ON CALL CLINICIANS, INC.</p> <p>2445 Winnetka Ave. North, Suite 202</p> <p>Golden Valley, Minnesota 55427-3597</p> <p>9-1-09</p> <p><i>[Signature]</i></p>		

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: \_\_\_\_\_

DATE PETITION RESUBMITTED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

PARCELS ELIGIBLE: \_\_\_\_\_

PARCELS ELIGIBLE: 21

PARCELS REQUIRED: \_\_\_\_\_

PARCELS REQUIRED: 14

PARCELS SIGNED: \_\_\_\_\_

PARCELS SIGNED: 14

CHECKED BY: Paul Dubruie L DATE: 11-4-09

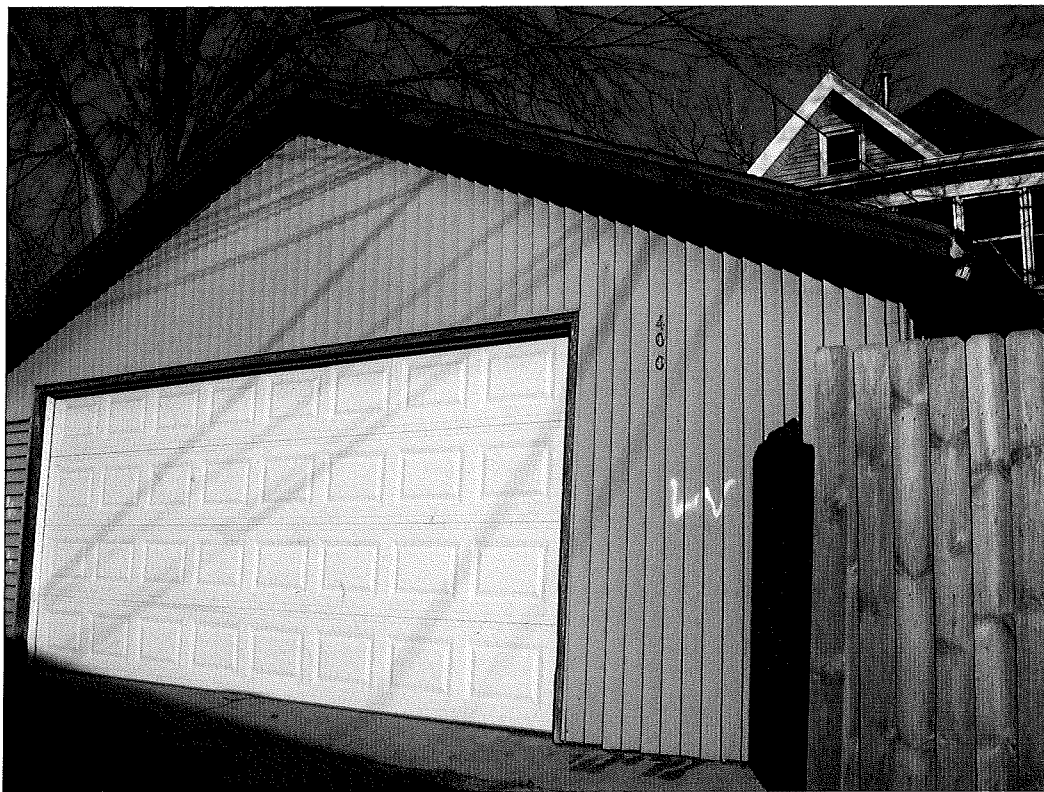


400 Charles Avenue





Rear of property and two car garage



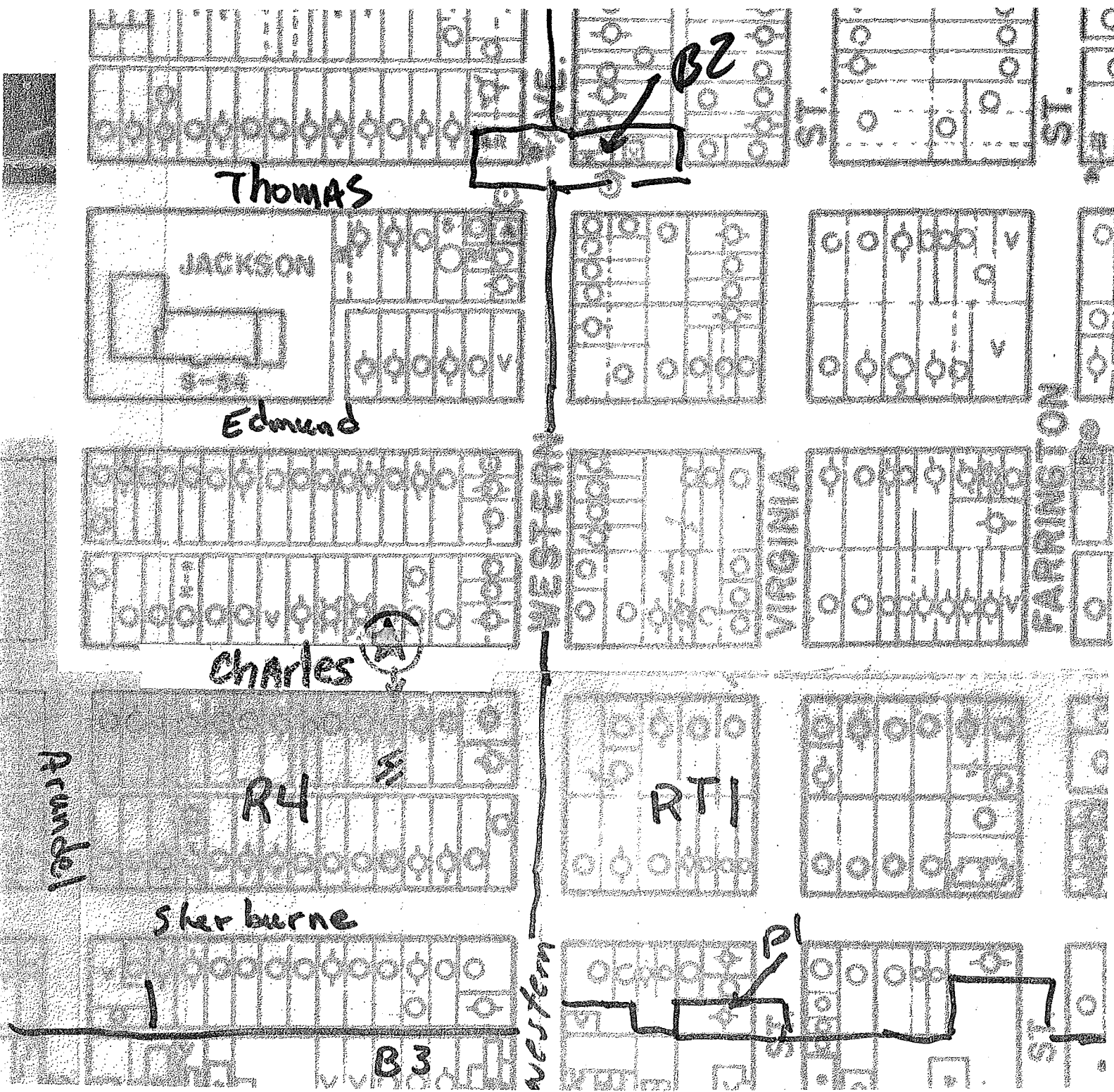




View across Charles Avenue



View east of property



APPLICANT Premier Investments  
 PURPOSE REEST - NCUP  
 FILE # \_\_\_\_\_ DATE 11-12-09  
 PLNG. DIST 7 MAP # 20+12

SCALE 1" = 400'



LEGEND

zoning district boundary

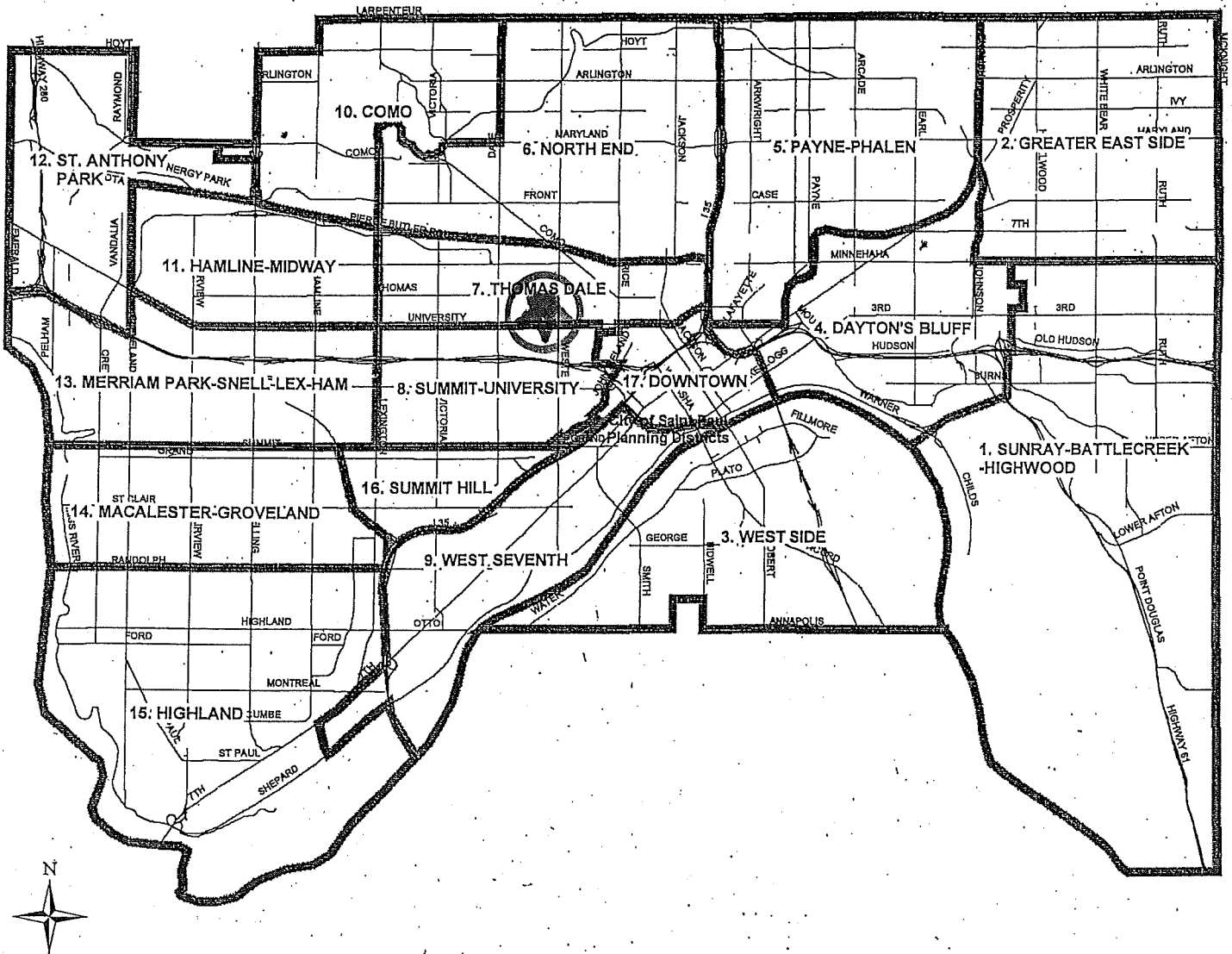
subject property

- one family
- two family
- multiple family

- ▲ ○ commercial
- ◆ industrial
- V vacant



# CITIZEN PARTICIPATION DISTRICTS



## CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-

# ZONING COMMITTEE STAFF REPORT

FILE # 08-083992

1. **PROPERTY OWNER:** David Brooks **HEARING DATE:** 11/24/09
  2. **TYPE OF APPLICATION:** Site plan review (Consider revocation of a previous site plan approval due to noncompliance with the conditions of that approval)
  3. **LOCATION:** 2057 Laurel Avenue
  4. **PIN & LEGAL DESCRIPTION:** 042823220080 and 042823220081  
Merriam Park Second Addition Lots 8 and 9 Block 13
  5. **PLANNING DISTRICT:** 13 **PRESENT ZONING:** RT1
  6. **ZONING CODE REFERENCE:** 61.108
  7. **STAFF REPORT DATE:** 11/12/09 **BY:** Tom Beach
- 

A. **PURPOSE:** Consider revocation of the site plan for a parking lot as approved by the Planning Commission on September 4, 2009. The parking lot was not constructed as shown on the site plan that was approved by City staff and in compliance with new conditions added by the Planning Commission on September 4, 2009.

B. **PARCEL SIZE:** 15,000 square feet (100' x 150') The parking lot under consideration covers an area of approximately 3,000 square feet.

C. **EXISTING LAND USE:** 12-unit apartment building and restaurant

D. **SURROUNDING LAND USE:**

North: Single family and duplex residential (RT1)

East: Single family and duplex residential (RT1)

South: Single family and duplex residential (RT1)

West: St. Thomas University (R2)

E. **ZONING CODE CITATIONS:**

*Section 61.108. Conditions violated, permit revocation.*

The zoning administrator shall notify the planning commission when a development covered by a permit or other matter is not in compliance with any of the conditions imposed upon such use permit. The commission may, at a public hearing, following notice to the owner of subject property and other adjacent property owners as specified in section 61.303(c), and upon determination that the conditions imposed by such approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued.

The commission, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission to be unnecessary, unreasonable or impossible of compliance.

*Section 63.313 Visual screening*

For off-street parking facilities which adjoin or abut across an alley, a residential use or zoning district, a visual screen shall be provided and maintained as required in section 63.114, Visual screens.

*Section 63.316 Paving*

All parking spaces, driveways and off-street parking facilities shall be paved with asphalt or

other durable, dustless surfacing or of material comparable to the adjacent street surfacing in accordance with other specifications of the zoning administrator. The parking area shall be paved within one (1) year of the date of the permit.

F. **PRIOR ZONING HISTORY:** The building on the site has 12 apartments and a restaurant. The restaurant is a nonconforming use. In 2005 the Planning Commission approved a Change in Nonconforming Use Permit to permit the restaurant to have beer as well as wine on the menu.

G. **DISTRICT COUNCIL RECOMMENDATION:** Staff had not heard from the District Council at the time the staff report was mailed out.

H. **FINDINGS:**

1. On May 30, 2008, David Brooks, the property owner, applied for site plan review for a new parking lot. The parking lot is intended for use by the residents of the apartment building on the property.
2. On June 11, 2008, DSI staff approved a site plan that shows the following:
  - The parking lot would be located next to the side of the building.
  - The parking lot would be paved with bituminous.
  - Stormwater would drain to the alley.
  - The parking lot would have 6 parking spaces.
  - A 6' privacy fence would be built on the east property line and along the south edge of the parking lot. The fence was located near the south edge of the parking lot to minimize the impact of the parking lot on the adjacent house by screening the lot and keeping the lawn south of the parking lot open to view.
  - A lilac hedge would be planted in front of the fence running along the south edge of the parking lot.
  - The area between the parking lot and the front of the property would not be affected.

(See attached approved site plan and approval letter.)

3. On September 4, 2008 DSI staff conducted a routine inspection of the parking lot to see if it was built in conformance with the approved site plan. Staff observed a number of areas where the parking lot was not built as shown on the approved site plan and sent a letter informing the property owner of the noncompliance. (See attached letter.) The areas of concern included:
  - The asphalt was paved with recycled asphalt. (Zoning requires "hot mix" asphalt for paving parking lots.)
  - The parking spaces were not striped. Spaces were identified by signs on the side of the apartment building.
  - There was no fence along the east property line and the south fence was built approximately 35' south of where it was shown on the site plan. (Zoning requires a visual screen between parking lots and adjacent residential property.)
  - No lilacs had been planted.
  - The work was done without City permits. Permits should have been obtained for the paving and the fence.
4. Staff talked to the property owner on September 22, 2008, April 28, 2009 and on June 11, 2009 about the fact that the lot was not built in conformance with the approved site plan.

During this period the following changes were made to the parking lot:

- A wood privacy fence was installed along the east property line. However the fence

- was set back approximately 1' from the property line and an existing chain link fence on the property line was not removed. This did not conform to what was shown on the approved site plan and resulted in a strip of land between the fences that is difficult to maintain. In addition, the wood privacy fence was not extended all the way to the alley as shown on the approved site plan.
- Shrubs were planted in front of the south fence. In addition, shrubs were planted along the south edge of the parking lot in approximately the location shown on the approved site plan.
  - A picnic table and benches were built in the area south of the parking lot. These were not shown on the original site plan. However, small improvements like these do not require a City permit and generally do not require City approval.)
5. DSI staff inspected the site in August 2009 and found that the following areas of the parking lot were not in compliance with the approved site plan:
- The parking lot was paved with recycled asphalt and not "hot mix" asphalt.
  - The parking spaces were not striped. Spaces are identified by signs on the side of the apartment building.
  - The fence along the south edge of the parking lot was approximately 30' south of where it was shown on the site plan.
  - The fence along the east property line was set back approximately 1.5' from the property line and an existing chain link fence on the property line was left in place. This resulted in a strip of land between the fences that is difficult to maintain. In addition the fence did not extend all the way to the alley as shown on the approved site plan.
6. DSI brought the situation to the attention of the Planning Commission under the provisions of Section 61.108. A public hearing was held at the Zoning Committee on 8/27/09. On 9/4/09 the Planning Commission passed resolution 09-57 stating that the property owner had not built the parking lot in compliance with the approved site plan. However, rather than rescinding the site plan approval, the Planning Commission added conditions necessary to bring the parking lot into compliance. These conditions required the property owner to make the following changes to the parking lot no later than 10/2/09 with permits from the Department of Safety and Inspections.
- a. The entire parking lot shall be re-paved using bituminous material as shown on the approved site plan. "Hot mix" bituminous shall be used, as is the material commonly understood in the paving industry as "bituminous," in order to provide the "durable, dustless" paved surface required for parking lots in Sec. 63.316 of the Legislative Code.
  - b. The parking lot shall be striped to identify the six parking spaces. To prevent cars from parking in the drive lane, the parking lot must be marked "No Parking in Drive Lane" either by signing the pavement or by installing on the privacy fence at least 3 signs indicating the "no parking" area. The grade of the parking lot after the paving must be such that the lot continues to drain towards the alley and not onto adjacent properties.
  - c. A 6' high privacy fence must be constructed just to the south of the parking lot as shown on the approved site plan. The privacy fence may be located up to 66' south of the rear property line or approximately 8' south of the parking lot to provide room for snow storage. A row of shrubs shall be planted and maintained along the south side of the fence as shown on the approved site plan.

The fence that was built approximately 35' south of the parking lot may be removed or may stay in place or may be relocated to screen mechanical equipment on the east side of the apartment building.

d, The privacy fence that was improperly located near the east property line can remain in its current location. However, the privacy fence must be extended north to the rear property line as shown on the submitted and approved site plan. In addition, the entire existing chain link fence on the east property line, including any fence posts and footings must be removed as shown on the submitted and approved site plan. Following removal of the chain link fence any stumps in the area between the privacy fence and the east property line must be removed and the area must be restored with new ground cover of either grass sod or grass seed planting. This ground cover shall thereafter be maintained as long as the parking lot is in existence.

7. DSI inspected the parking lot on October 13, 2009. The inspection showed that no changes had been made to the lot and that the property owner did not comply with the additional conditions imposed by the Planning Commission on September 4, 2009. The parking lot continues to be out of compliance with the original site plan approved on June 11, 2008.

I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends:

1. The City's previous approval for the site plan for the parking lot at 2057 Laurel Avenue should be revoked
2. The lot must be restored to the condition it was in before work on the parking lot began no later than 12/31/09.
3. Vehicles must immediately cease from parking in the lot. A fence or similar barrier to keep cars from parking in the lot must be erected along the alley and maintained until the lot is restored to its previous condition.

#### **ATTACHMENTS**

- |    |  |
|----|--|
| 1  | Planning Commission resolution and Zoning Committee minutes.             |
| 8  | As-built plan for the parking lot, approved site plan and correspondence |
| 13 | Photos and location map  |

**city of saint paul**  
**planning commission resolution**  
**file number**        09-57  
**date**        September 4, 2009

WHEREAS, David Brooks, File # 08 083992, submitted a site plan for review for a 6-car parking lot on property located at 2057 Laurel Ave on May 30, 2008, under the provisions of Sec. 61.400 of the Saint Paul Legislative Code; and

WHEREAS, the Zoning Administrator approved the site plan in a letter to Mr. Brooks dated June 11, 2008. This letter lists the main improvements shown on the approved site plan; including paving the lot with asphalt and installing a privacy fence to provide a visual screen. This letter also explains that a permit from the Saint Paul Department of Safety and Inspections is required "to grade and pave the parking lot and to construct the fence"; and

WHEREAS Mr. Brooks constructed the lot during the summer of 2008 but the City has no record showing that the required permits were obtained; and

WHEREAS, City staff inspected the lot in September 2008 and determined that it was not built in compliance with the approved site plan; and

WHEREAS, City staff contacted Mr. Brooks about this on a number of occasions: by letter to Mr. Brooks dated September 4, 2008, at a meeting at City offices on September 22, 2008, and on-site meetings on April 28, 2009, and June 11, 2009; and

WHEREAS, after the meeting on June 11, 2009 the parking lot was still not in compliance, City staff decided to bring the matter to the attention of the Planning Commission as specified in Sec. 61.108 of the Saint Paul Legislative Code which states "The zoning administrator shall notify the planning commission when a development covered by a permit or other matter is not in compliance with any of the conditions imposed upon such use permit. The commission may, at a public hearing, following notice to the owner of subject property and other adjacent property owners as specified in section 61.303(c), and upon determination that the conditions imposed by such approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued. The commission, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission to be unnecessary, unreasonable or impossible of compliance."; and

WHEREAS, notice of a public hearing at the Zoning Committee of the Planning Commission was mailed to property owners within 350 feet of 2057 Laurel as required by Section 61.303 of the Saint Paul Legislative Code' and

**moved by**        Morton  
**seconded by**        \_\_\_\_\_  
**in favor**        Unanimous  
**against**        \_\_\_\_\_



WHEREAS, the Zoning Committee of the Planning Commission, on August 27, 2009, held a public hearing at which all persons present were given an opportunity to be heard pursuant to the requirements of Sec. 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. On May 30, 2008, David Brooks, the property owner, submitted a site plan for review for a new parking lot.
2. During the review of the site plan, Mr. Brooks told staff that the parking lot was intended for use by the tenants of the apartment building at 2057 Laurel and not for use by staff or customers of the restaurant at 2057 Laurel.
3. On June 11, 2008, DSI staff approved the submitted site plan that was showed the following:
  - The parking lot would be located next to the side of the building.
  - The parking lot would be paved with "Bituminous".
  - Stormwater would drain to the alley.
  - The parking lot would be striped to provide 6 parking spaces.
  - A 6' privacy fence was shown on the approved site plan on the east property line to meet zoning requirements to provide a visual screen between the parking lot and the adjacent residential property. This fence was to extend from the rear property line to a point approximately 65 feet south of the rear property line. In addition a 6' high privacy fence was shown on the approved site plan running east to west from the south end of the privacy fence to be built on the east property line to the apartment building. This fence and its location was intended to minimize the visual impact and noise from the parking lot on the adjacent house while also keeping the lawn south of the parking lot open to view.
  - A lilac hedge would be planted in front of the fence running along the south edge of the parking lot.
  - The area between the east to west fence and the front of the property would not be affected.
4. On September 4, 2008 DSI staff conducted a routine inspection of the parking lot to see if it was built in conformance with the approved site plan. Staff observed a number of areas where the parking lot was not built as shown on the approved site plan and sent a letter informing the property owner of the noncompliance. The areas of concern included:
  - The parking lot was paved with recycled asphalt. Recycled asphalt is not an approved paving material under Sec. 62.316 which requires that "All parking spaces, driveways and off-street parking facilities shall be paved with asphalt or other durable, dustless surfacing or of material comparable to the adjacent street surfacing in accordance with other specifications of the zoning administrator." Where asphalt is used to pave parking lots, the City requires a "hot mix bituminous." The City does not accept recycled asphalt because it breaks up after a year or two. Therefore, it is not a durable material. Recycled asphalt is also not consistent with the submitted site plan that specified "Bituminous."

- The parking spaces were not striped as shown on the submitted and approved site plan although the individual spaces were identified by signs that were attached to the side of the apartment building.
  - The privacy fence required by the Zoning Code and shown on the east property line in the submitted and approved site plan had not been built.
  - The east to west privacy fence shown on the approved site plan had actually been built approximately 35' south of where it was shown on the approved site plan.
  - The lilacs shown on the approved site plan had not been planted.
  - The work was done without City permits. Permits were required for the paving and the fence.
5. City staff talked to Mr. Brooks about the areas of noncompliance at a meeting at City offices on September 22, 2008, and meetings on the site on April 28, 2009, and June 11, 2009.

During this period the following construction activity occurred at the parking lot:

- A privacy fence was installed along the east property line. However, the fence was not built on the property line as shown on the submitted and approved site plan. Instead, the new privacy fence was constructed approximately 1.5' back from the property line. An existing chain link fence on the property line, which should have been removed had construction of the privacy fence complied with the approved site plan, was not removed. During these discussions, it was not clear who owned this chain link fence. However, at the August 27, 2009 public hearing Mr. Brooks stated that the chain link fence was on his property. Finally, the newly constructed privacy fence stopped approximately 25' south of the rear property line instead of extending all the way to the rear property line as was shown on the submitted and approved site plan.
  - Shrubs were planted in front of the south fence as well along the south edge of the parking lot.
  - There was also a discussion about a picnic table and bench were built in the area south of the parking lot. These were not shown on the original site plan. However, small improvements like this do not require a City permit and generally do not require City approval. Therefore, the table and bench are not considered to be out of compliance with the approved site plan.
6. The following areas of the parking lot were not in compliance with the approved site plan on August 14, 2009 when DSI staff inspected the site and took photographs for the public hearing:
- The parking lot is paved with recycled asphalt and not "hot mix".
  - The parking spaces are not striped. Spaces are identified by signs on the side of the apartment building.
  - The fence along the south edge of the parking lot is approximately 35' south of where it was shown on the site plan.
  - The fence along the east property line is set back approximately 1.5' from the property line and an existing chain link fence on the property line was left in place. This resulted in a strip of land between the fences that is difficult to maintain.
7. Cars are sometimes parked in the drive lane on east half of the lot.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of Legislative Code Sec. 61.108 and based upon the evidence, testimony, records and report of staff submitted during the public hearing, demonstrate that the parking lot constructed at 2057 Laurel Avenue does not comply with the site plan approved in File # 08-083992 on June 11, 2008 and, that the property owner, must therefore take the following actions to bring the said parking lot into compliance with the approved site plan to the extent that the said site plan is hereby modified by the following conditions:

1. The entire parking lot shall be re-paved using bituminous material as shown on the approved site plan. "Hot mix" bituminous shall be used, as is the material commonly understood in the paving industry as "bituminous," in order to provide the "durable, dustless" paved surface required for parking lots in Sec. 63.316 of the Legislative Code.
2. The parking lot shall be striped to identify the required six parking spaces. To prevent cars from parking in the drive lane, the parking lot must be marked "No Parking in Drive Lane" either by signing the pavement or by installing on the privacy fence at least 3 signs indicating the "no parking" area. The grade of the parking lot after the paving must be such that the lot continues to drain towards the alley and not onto adjacent properties.
3. A 6' high privacy fence must be constructed just to the south of the parking lot as shown on the approved site plan. The privacy fence may be located up to 66' south of the rear property line or approximately 8' south of the parking lot to provide room for snow storage. A row of shrubs shall be planted and maintained along the south side of the fence as shown on the approved site plan.

The fence that was built approximately 35' south of the parking lot may be removed or may stay in place or may be relocated to screen mechanical equipment on the east side of the apartment building.

4. The privacy fence that was improperly located near the east property line can remain in its current location. However, the privacy fence must be extended north to the rear property line as shown on the submitted and approved site plan. In addition, the entire existing chain link fence on the east property line, including any fence posts and footings must be removed as shown on the submitted and approved site plan. Following removal of the chain link fence any stumps in the area between the privacy fence and the east property line must be removed and the area must be restored with new ground cover of either grass sod or grass seed planting. This ground cover shall thereafter be maintained as long as the parking lot is in existence.
5. Permits from the Department of Safety and Inspections must be obtained for the paving and fence work before work starts.
6. All Work on the fence, paving and restorative landscaping must be completed no later than October 2, 2009.

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, August 27, 2009 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

**PRESENT:** Alton, Donnelly-Cohen, Faricy, Gordon, Johnson, Kramer, and Morton

**ABSENT:** Margulies

**STAFF:** Tom Beach, Samantha Langer, Patricia James and Peter Warner

The meeting was chaired by Commissioner Morton.

**Laurel Apts Parking Lot #2 - 08-083-992 - Public hearing to consider revocation or modification of parking lot site plan approved June 11, 2008, for failure to meet conditions of approval, 2057 Laurel Ave.**

Tom Beach presented the staff report with a recommendation that the property owner make the changes necessary to bring the parking lot at 2057 Laurel Avenue into compliance with the approved site plan. Tom Beach also stated District 13 had not responded, and there were 0 letters in support, and 0 letters in opposition.

At the inquiry of the Commissioners, Mr. Beach, confirmed that staff is asking that the chain link fence be removed, but the wood fence can remain where it is located.

At the questions of the Commissioners, Mr. Beach, stated that there were some changes done since the City last contacted the applicant. The changes included a fence on the east property line that was built in the wrong place and additional landscaping. Mr. Beach stated that he would like compliance by October 2, 2009.

David Brooks, the applicant, stated that the City Staff approved the fence where it was located and the material used to pave the parking lot; stating that the material was durable and dustless and that the area was small enough to allow this material to be used. Mr. Brooks submitted photos of the property. He stated that he did not follow the original plan, but he believes this plan suits the neighborhood better because it conceals building equipment. He stated that the contractor did not take out a permit when he started the building. Mr. Brooks also stated he believes his neighbor has animosity toward him.

Upon questions of the Commissioners, Mr. Brooks, stated he could comply with the original site plan, but he stated that the City Staff said the changes he made were agreed upon. He stated that he does not have it in writing that the recycled asphalt and the act of moving the fence from the original site plan was approved by the City Staff. Mr. Brooks also stated that he cannot stripe the asphalt used and it is his belief that he has complied with the requirement of the approved site plan. He also reiterated that he believed he had the approval to move the privacy fence from the original site plan. Mr. Brooks stated he would like an exception to leave both the wood and chain link fence in place. He also stated that the adjoining property owner had not contacted him directly regarding his concerns with the chain link fence.

No one spoke in support.

Nick Buettner, 291 W 7<sup>th</sup> Street, Unit 1704, Saint Paul, spoke in opposition. He stated that he has no animosity towards Mr. Brooks. He stated his concerns are that Mr. Brooks did not follow the original site plan. Mr. Buettner explained he would like the current fence, that is parallel with the street, moved back because the cars headlights in the parking lot shine into the windows of his property. He also added that he believes it would help with the noise.

Peter Warner, the City Attorney, advised Mr. Buettner to show exactly which fence he was concerned with on a map. Mr. Warner also stated that the map that was referred to was the original site plan, stamped for approval by the City.

At the inquiry of the Commissioners, Mr. Buettner, reiterated that he objects with the location of the fence due to the noise and the headlights shining into his windows. He further explained he would like the chain link fence removed so the area between the chain link fence and wood fence can be maintained. Mr. Buettner also stated the fence does not continue all the way to the alley as the site plan states it should. He stated because it is not completed, as the site plan shows, he has issues with drainage into his garage during months where snow removal is required. Mr. Buettner also stated he would like the parking spaces to be striped.

Tom Beach confirmed that in the original site plan the fence was supposed to go all the way back to the alley.

Cherly Beaumier, 2052 Selby Avenue, spoke in opposition. Ms. Beaumier explained her concerns regarding the parking lot including the noise, making sure the parking spots are marked correctly so more than six cars are not in the lot, and car headlights shining into their house. Ms. Beaumier also mentioned she would like to see asphalt used for the lot. She also stated she feels this decreases their property value. She further explained that the property is not maintained during the winter and she would like to see the fence removed and hedges added. She submitted photographs for the record.

Steve Wolfe, 2052 Selby Avenue, spoke in opposition. Mr. Wolfe stated the parking lot does have a huge impact on their property. He reiterated that more than six cars have been in the lot at one time and that the property was not maintained in the winter.

At the inquiry of the Commissioners, Tom Beach stated that to his knowledge no one from the restaurant parks in this lot. He also stated that there are signs posted limiting who can use the parking spaces.

Tom Malowe, 2077 Ashland Avenue, spoke in opposition. Mr. Malowe stated his concerns with the picnic area on the south side of the fence. He also stated that more than six cars have been parked in the lot at any given time. Mr. Malowe also has concerns with the garbage cans in the alley.

David Brooks stated that the garbage cans in the alley were needed during remodeling the property. He also stated that the additional vehicles in the lot belonged to people remodeling the building. Mr. Brooks stated that he does have a company hired for snow removal. He further explained that has not received any complaints regarding noise and if neighbors do have

complaints they should contact the police. He also stated no one at the 128 Café parks in this parking lot because they have valet parking which they rent from Saint Thomas. He also stated that he built up the parking lot eight inches and he believes it is sloped right so that there is no run-off into the neighbor's yard.

The public hearing was closed.

Upon the inquiry of the Commissioners, Mr. Beach confirmed that he verbally approved the paving material used in the parking lot due to the small size and the movement of the fence to the south if some other issues were corrected, particularly the fence on the east property line, which seemed to cause the most concerns. This issue was not addressed by the applicant.

Upon further inquiry of the Commissioners, Mr. Beach confirmed that the approved site plan was submitted by the property owner's architect. He also stated that the fence was built without a permit and there has not been a permit application. Mr. Beach stated that he recommended six feet high for the fence.

After discussion Commissioner Brian Alton moved approval with conditions to conform to the original site plan by October 2, 2009 and obtain all necessary permits. Commissioner George Johnson seconded the motion.

The motion passed failed by a vote of 7-0-0.

Adopted                      Yeas - 7              Nays - 0              Abstained - 0

Drafted by:

Samantha Langer  
Samantha Langer  
Recording Secretary

Submitted by:

Tom Beach  
Tom Beach  
Zoning Section  
*signed by*  
*Samantha*  
*Langer*

Approved by:

Gladys Morton  
Gladys Morton  
Chair



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

COMMERCE BUILDING  
8 Fourth Street East, Suite 200  
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Telephone: 651-266-9090  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

September 4, 2008

David Brooks  
366 Jackson Street  
St Paul MN 55101

RE: Site Plan (File #08-083992) -- follow-up inspection  
Parking lot for Laurel Apartments at 2057 Laurel Ave

Dear Mr. Brooks:

On June 11, 2008, the City of Saint Paul approved the site plan for the construction of a new parking lot located at 2057 Laurel Avenue. A condition of the approval of the site plan is that:

- A 6' high screening fence is erected along the east and south sides of the parking lot.
- Lilacs are planted along the south side of 6' high screening fence.
- The parking lot is paved with asphalt.
- The parking lot is graded so that storm water is directed to the alley.
- The dumpsters will be placed on the property and screened.

On September 4, 2008, I did a follow-up inspection for compliance with the approved site plan. I noticed the following:

- The 6' high screening fence along the south side of the parking lot was built 36" south of the parking lot built. This fence was built without a permit. On the approved site plan, this fence is located next to the parking lot where it provides better screening from the house next door. The fence must be moved to where it is shown on the approved site plan.
- Lilacs must be planted in front of this fence as shown on the approved site plan.
- The 6' high screening fence along the east side of the parking lot that was shown on the approved site plan has not been erected. This fence is required by zoning regulations to screen the lot.
- The parking lot is paved with gravel. It must be paved with asphalt.
- The parking lot appears to be elevated above the neighboring property. It is not clear why this was done.
- The dumpsters are in the alley and not on the property.
- The dumpsters are not screened. Zoning requires that dumpsters be screened.
- The area where the dumpsters are shown on the site plan is not level. It does not look like dumpsters can be put here. If they are intended to go someplace else, this needs to be discussed.

Due to these discrepancies, the conditions / requirements of the site plan are not being met. You must correct these issues immediately.

If you have any questions regarding this site plan, please contact me at 651-266-9085 (phone) or [corinne.tilley@ci.stpaul.mn.us](mailto:corinne.tilley@ci.stpaul.mn.us) (email).

Regards,

*Corinne Tilley TB*

Corinne A. Tilley  
DSI Zoning and Site Plan Review



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

COMMERCE BUILDING  
8 Fourth Street East, Suite 200  
St Paul, Minnesota 55101-1024

Telephone: 651-266-9090  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

June 11, 2008

David Brooks  
366 Jackson Street  
St Paul Mn 55101

RE: Approval of Site Plan 08-083992  
Parking Lot for Laurel Apartments at 2057 Laurel Ave

Dear Mr. Brooks:

The site plan referenced above is approved subject to the following conditions:

1. **Site improvements** The proposed parking lot is shown with 6 parking spaces and room for trash dumpsters and recycling. A 6' high screening fence is shown long the east and south sides. Lilacs are shown on the south side for additional screening. The lot will be paved with asphalt and graded so that storm water is directed to the alley. No new sewers are proposed.

No lighting is shown on the plan. If lighting is proposed for the lot, it must be shielded and aimed so that it does not produce glare or excessive light levels for the neighboring property.

2. **Permits and fee** A permit from this department (651-266-9007) is required to grade and pave the parking lot and to construct the fence. The contractor can apply for this permit.

A parkland dedication fee is not required for this project. (Even though new spaces are being added, no new units are being added.)

4. **Time limit and inspection** Work covered by this site plan must be completed no later than 6/11/09. A site inspection will be scheduled based on this date.

If you have any questions, you can reach me at 651-266-9086 or [tom.beach@ci.stpaul.mn.us](mailto:tom.beach@ci.stpaul.mn.us).

Sincerely,

Tom Beach  
Zoning Specialist

cc: Sewer Division, Planning Division, Traffic Division



4, 13

TB



# APPLICATION FOR SITE PLAN REVIEW

Department of Safety and Inspections (DSI)  
200 Commerce Building  
8 Fourth Street East  
Saint Paul MN 55101-1024  
651-266-9008

## STAFF USE ONLY

SPR# 08-083994

Fee \$ 135

Staff meeting date

6/10/08

City agent

TB

## APPLICANT

Name DAVE BROOKS Company \_\_\_\_\_  
Address 306 JACKSON ST  
City ST PAUL State MN Zip 55101  
Phone 651-270-3178 Fax 651-298-1948  
Email shana@brooksgroup.net

## OWNER (If different than applicant)

Name \_\_\_\_\_ Company \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

## PROJECT

Project name / description LAUREL APT PARKING  
Project address / Location ~~128 ORVIND~~  
2057 Laurel Cat Cleveland  
Legal description of the property : Lot 9 ex 10' Blk 13 Maroon Pl 2nd Addn

Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_

## STAFF USE ONLY

Type Site Plan Sub Pkg Lot Work Plan Land Use S.F. 3,500

Folder Name Laurel Apts Parking Lot

Reviewed by \_\_\_\_\_

Comments \_\_\_\_\_

(attach additional sheets if necessary)

Bond/letter of credit/escrow \$ \_\_\_\_\_ Date \_\_\_\_\_

Site plan approved by TB Date 6/11/08

Work approved by \_\_\_\_\_ Date \_\_\_\_\_

This form and other information about site plan review are available at [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi). Click on Zoning, and then click on Site Plan Review.

# ARCHITECTURAL NOTES:

- A: ALLEY
- B: DUMPSTERS
- C: 6' 9" x 18' 90" PARKING
- D: FENCE & PROP. LINE 6' high
- E: FENCE REINFORCED
- F: GRASS
- G: 9' 9" x 18' 90" 4' O.C. MAX 18" tall
- LOT SIZE 50' x 150'

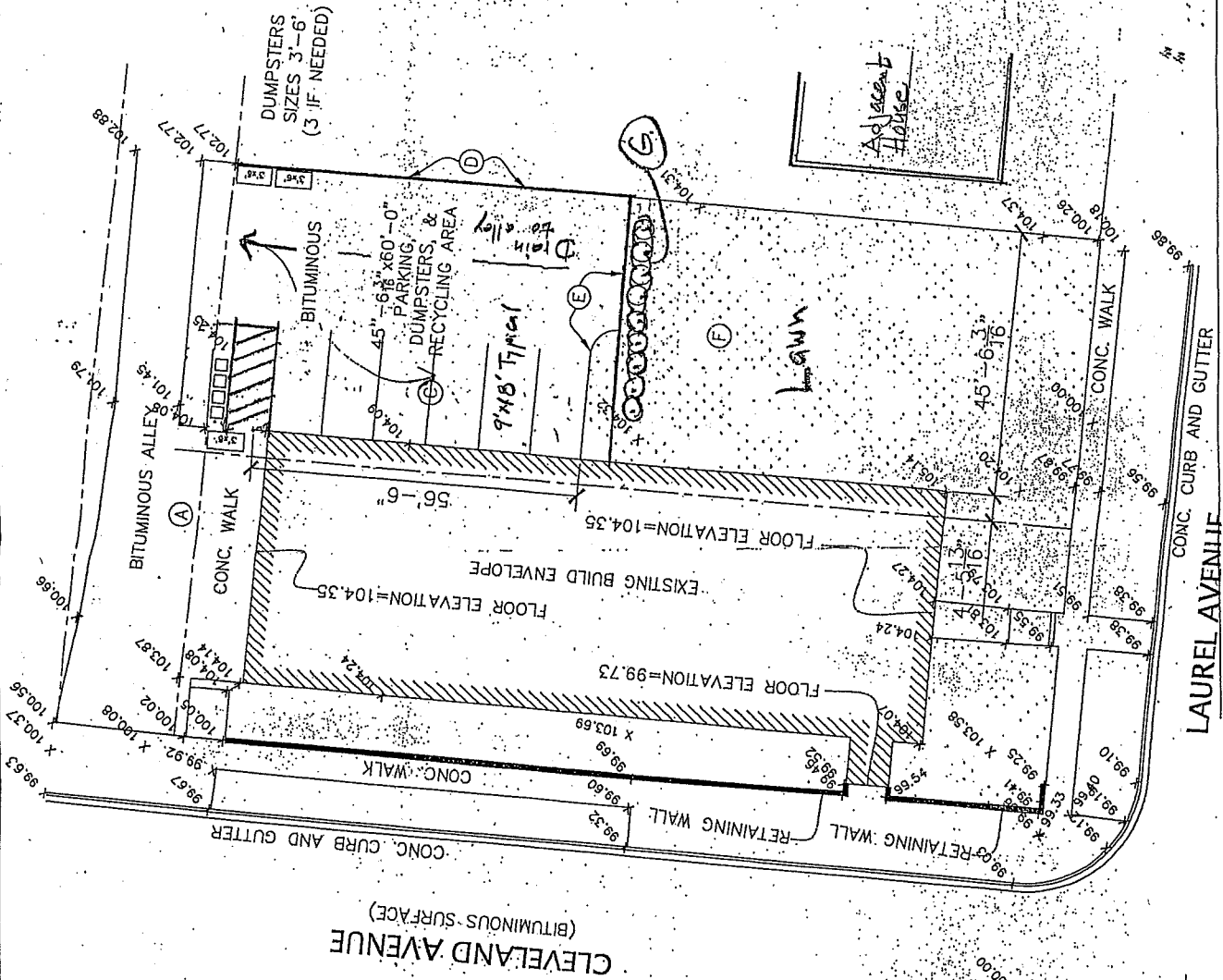
5/27/08

## SITE PLAN APPROVED OFFICE OF LIEP CITY OF ST. PAUL

By TR  
File # 08-03372 Date 6/1/08  
Any alterations from this plan must be  
approved by the Zoning Administrator



1 SITE PLAN  
A-1 SCALE: 1" = 20'-0"

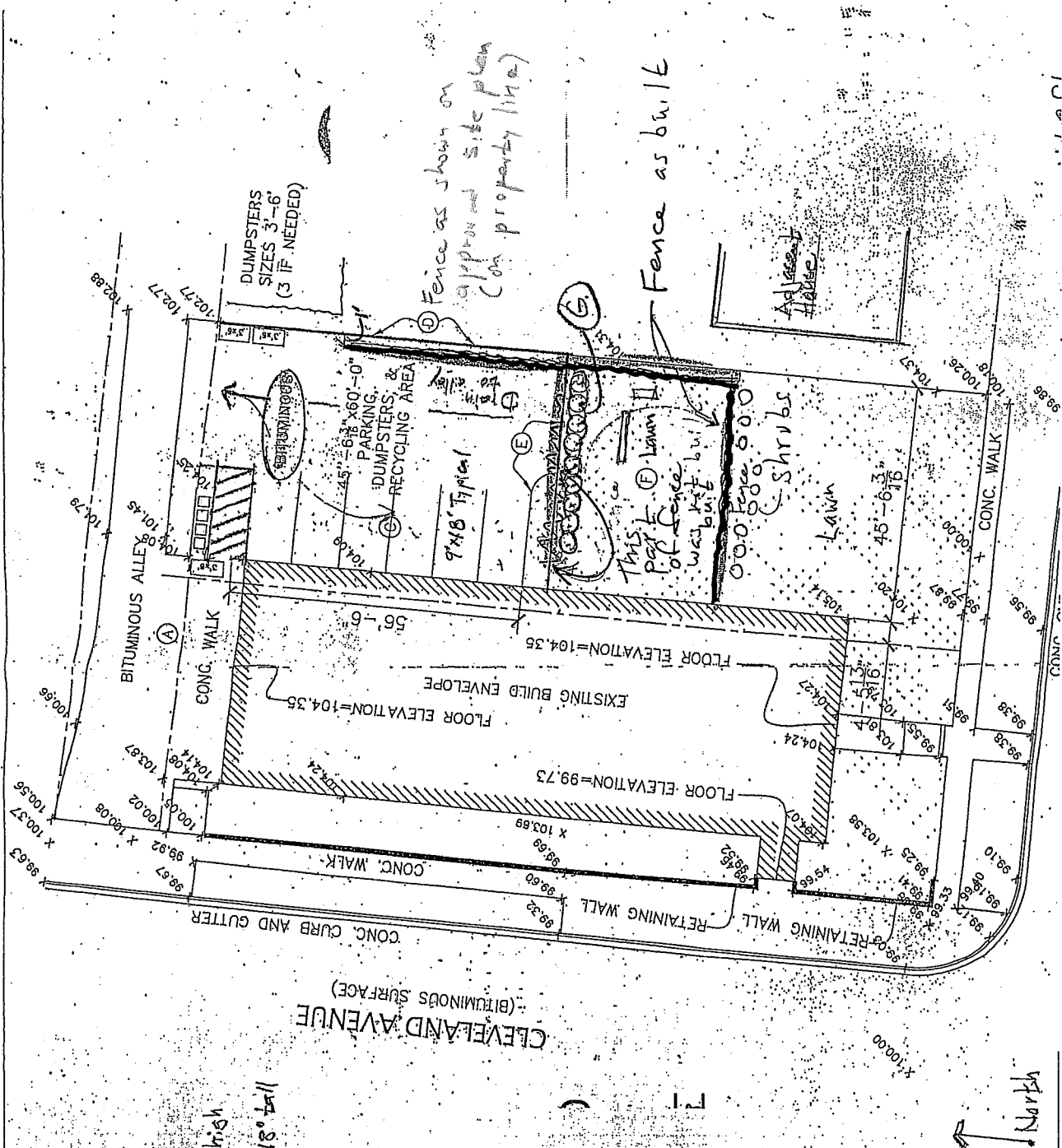


Approved site plan for new  
Parkings Lot

# ARCHITECTURAL NOTES:

- A: ALLEY
- B: DUMPSTERS
- C: 6' 9" x 18' x 90" PARKING
- D: FENCE & PROP. LINE 6' high
- E: FENCE REINFORCED
- F: GRASS
- G: 9' LINE 4' O.C. MIN 18" tall
- LOT SIZE: 50 X 150

5/29/08



**Parking lot as built**

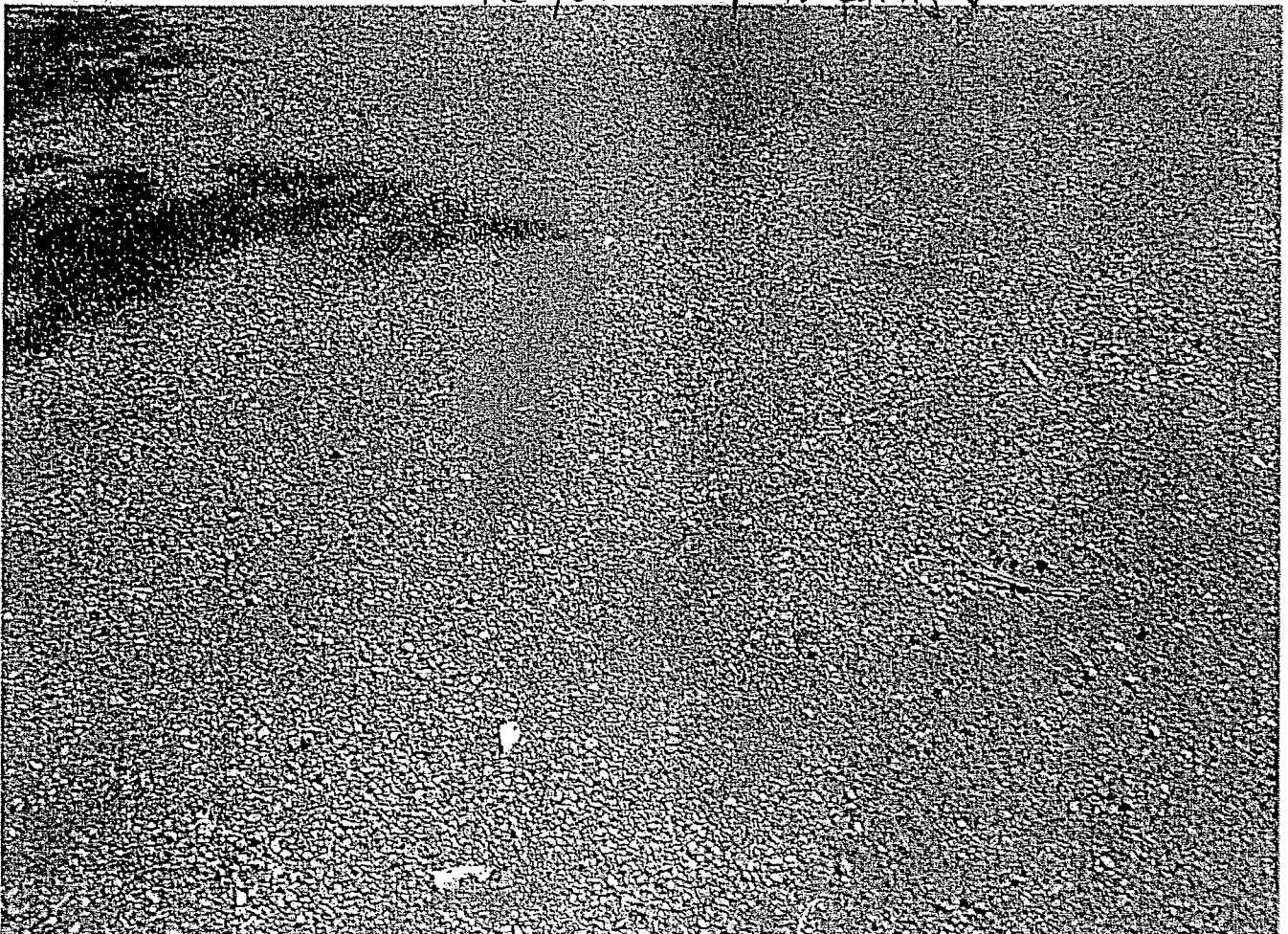
- Lot is paved with recycled asphalt
- Fence is not where it was shown on approved site plan (cluser to sidewalk + 1.5' off east property line)

1. SITE PLAN

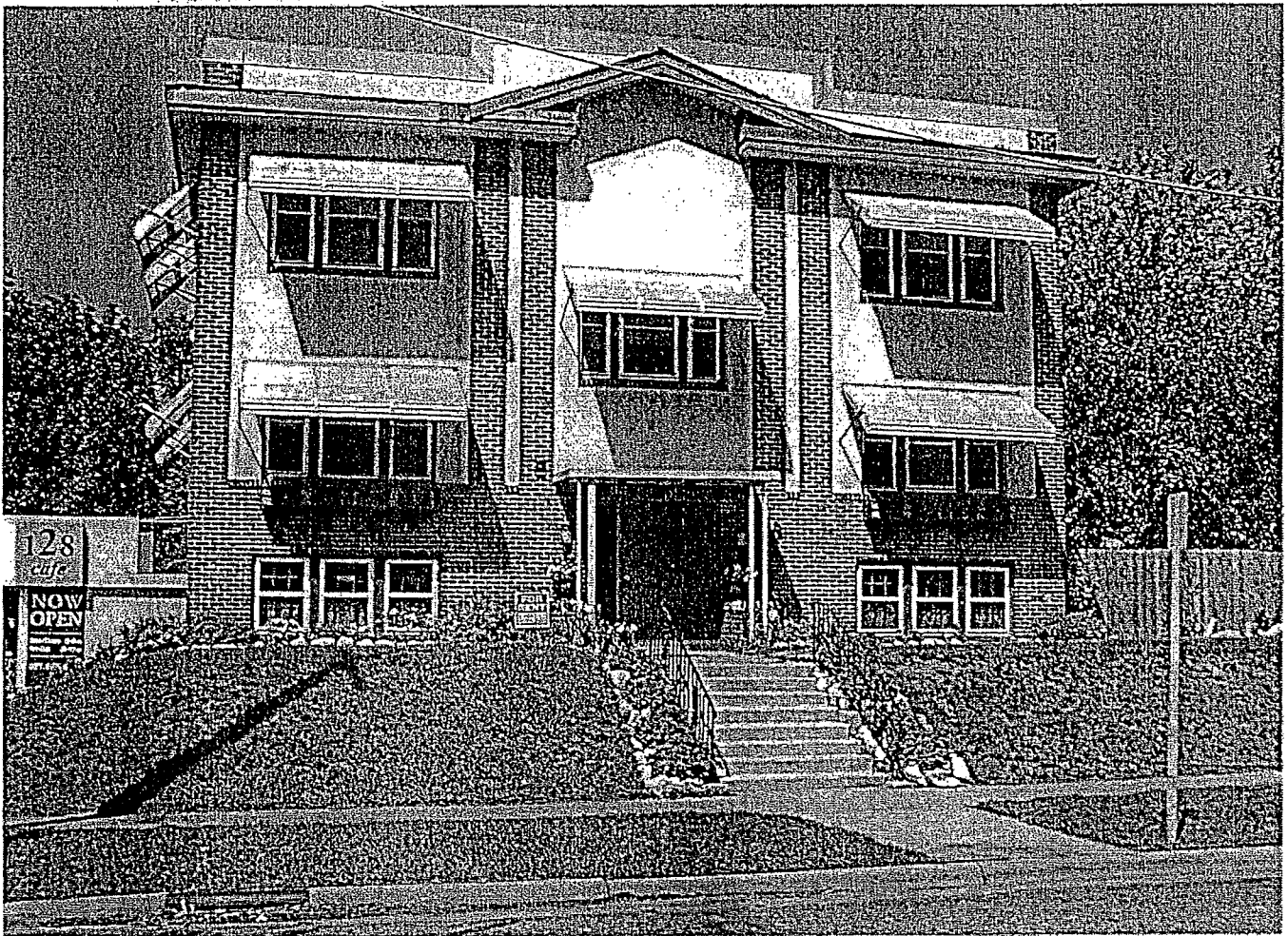
parking lot viewed from alley



Recycled asphalt paving ↓

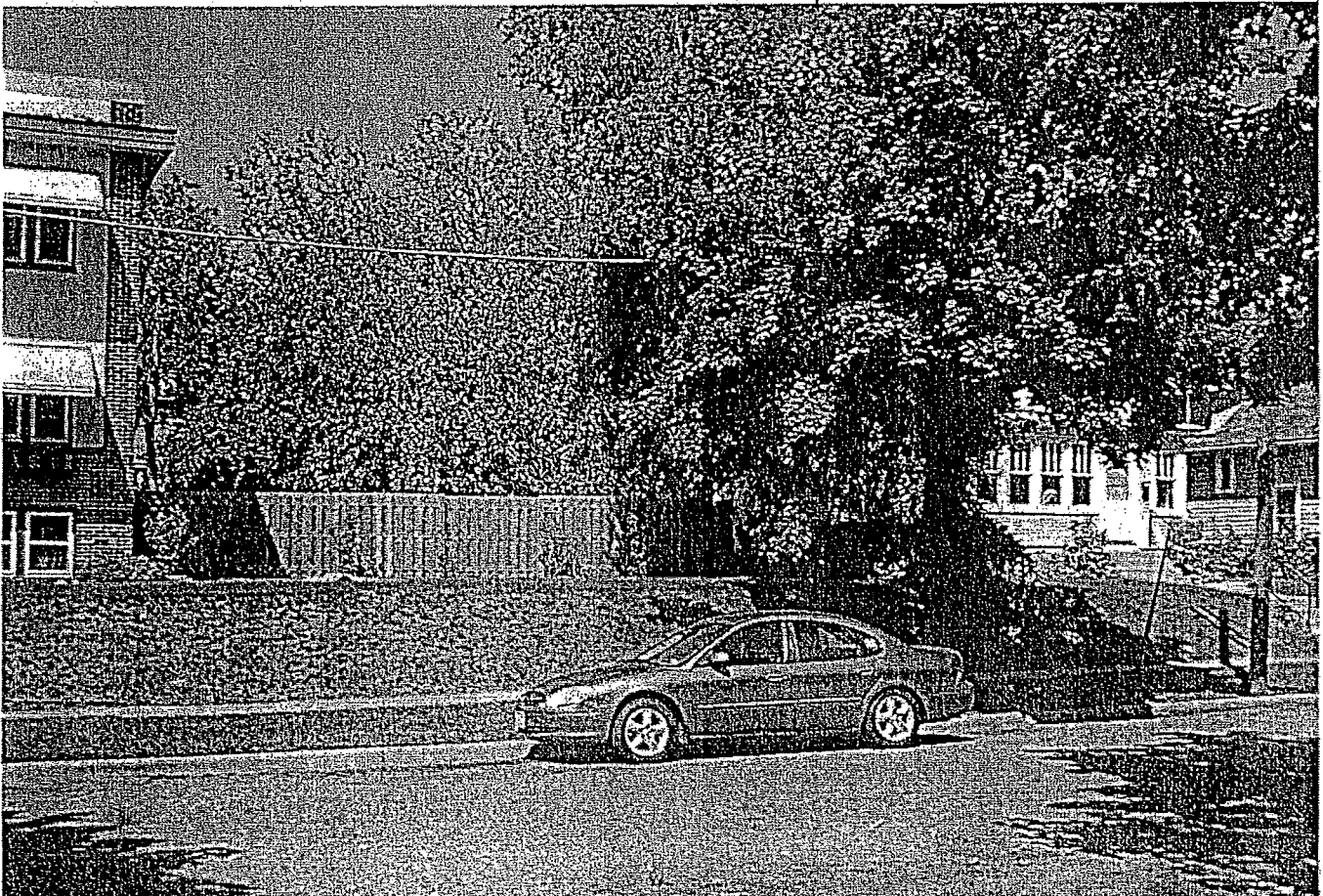


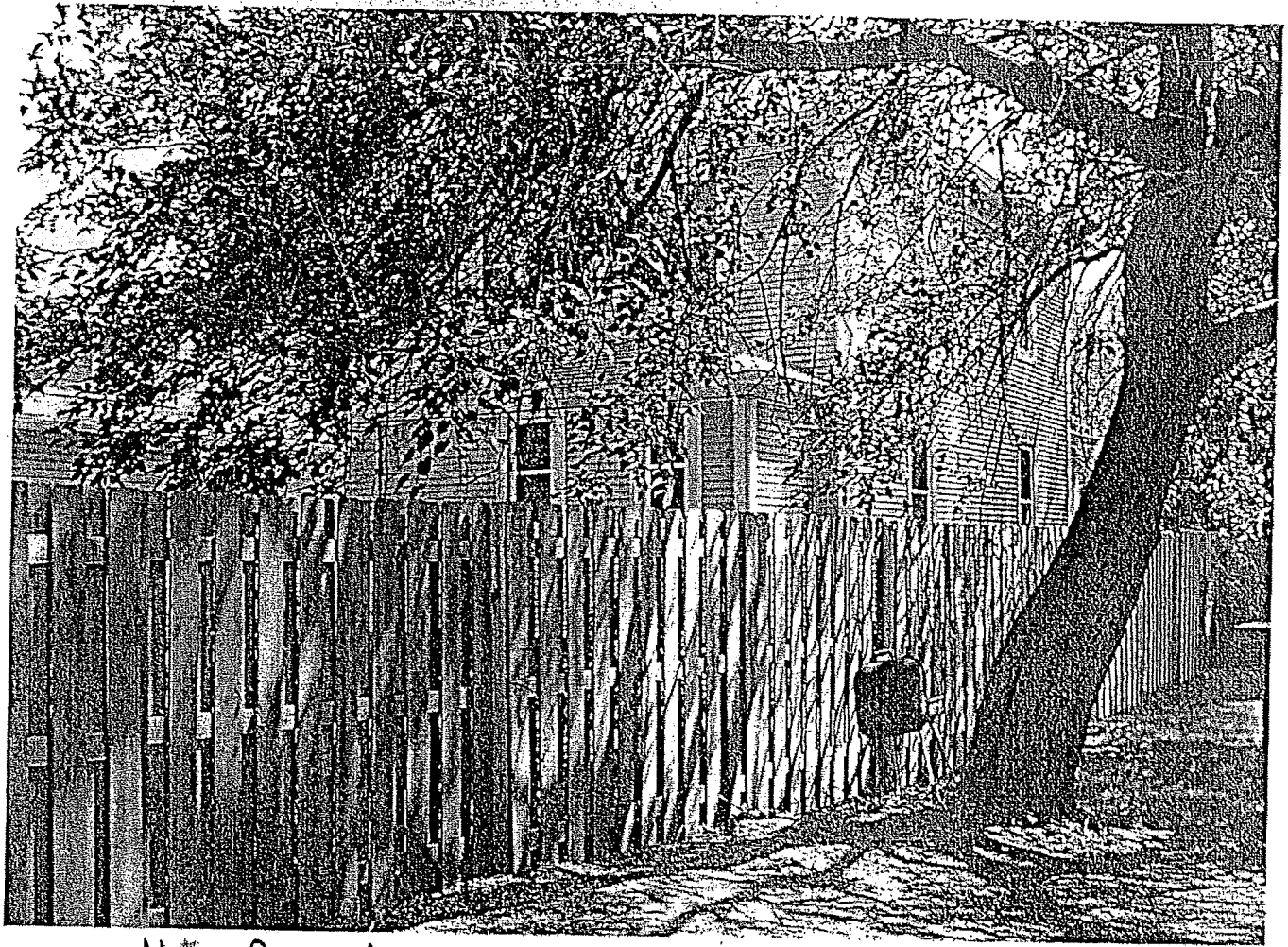




2057 Laurel

2057 Laurel, Cpkgs lot behind fence)

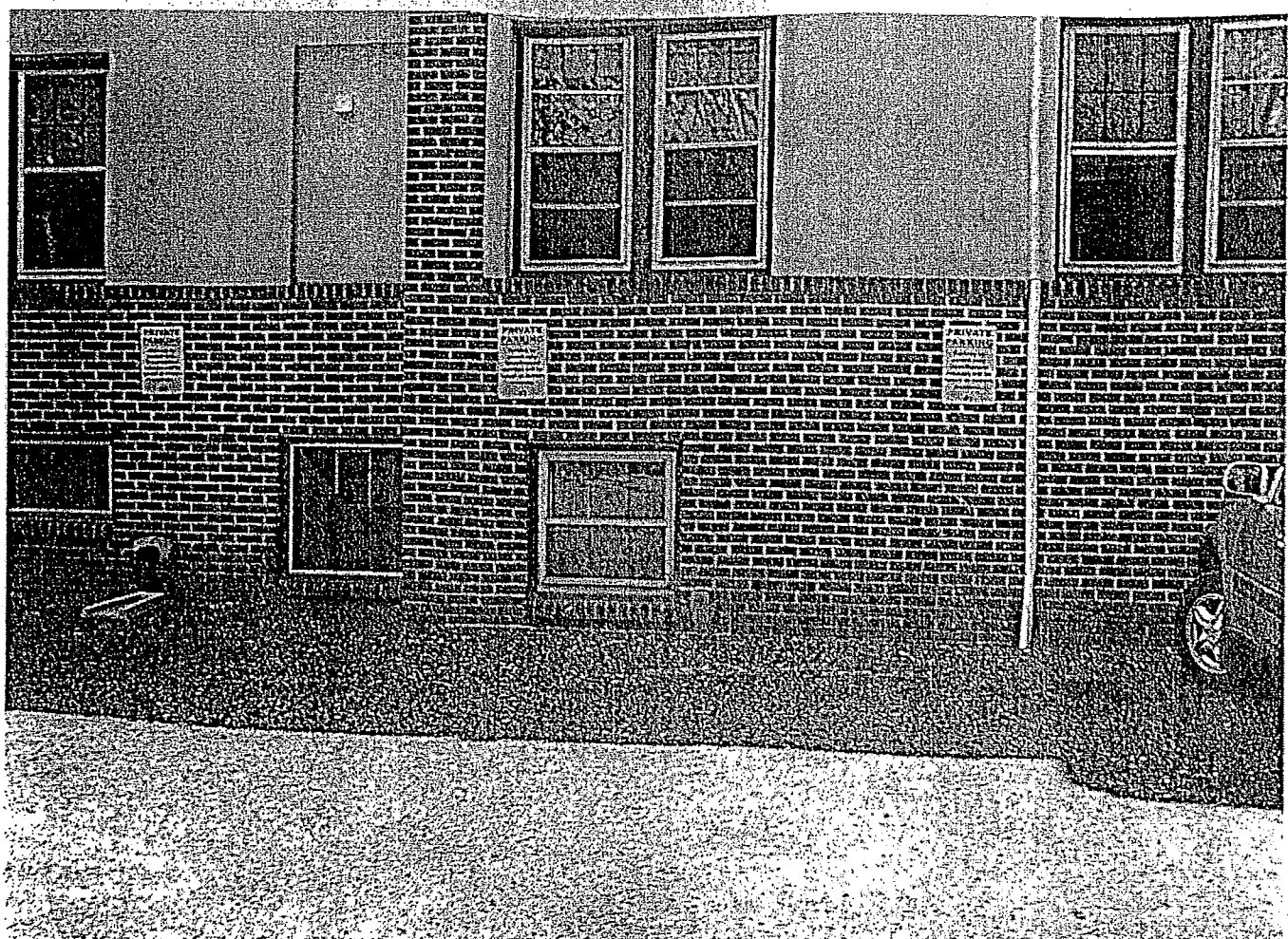




New fence ↑  
↓

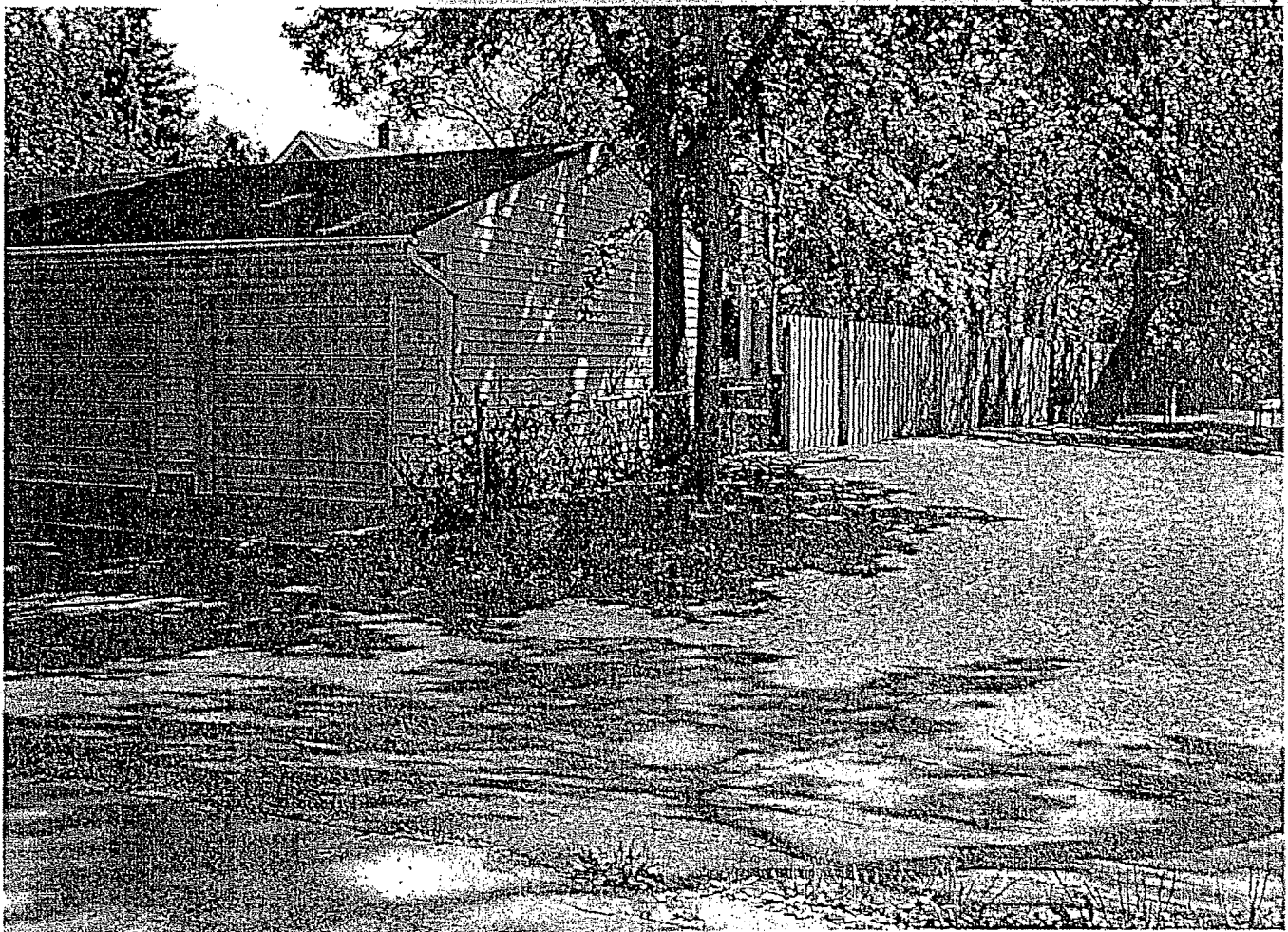


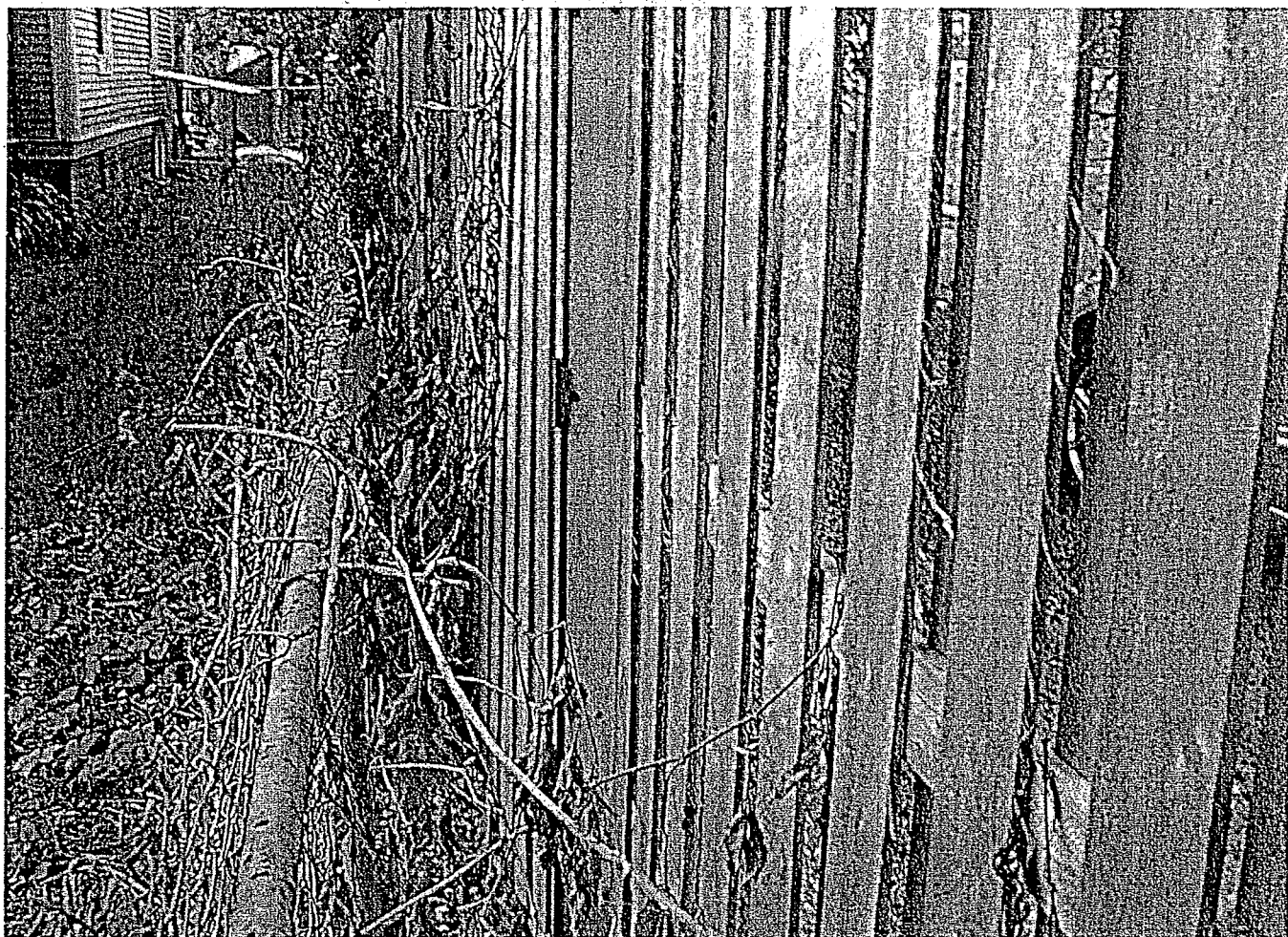




↑ Parking spaces

Parking lot, fence and neighbors garage ↓





↑ New fence and old fence on property line  
Neighbor's garage across the alley, ↓

